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RULE PROPOSALS

LAW AND PUBLIC SAFETY

DIVISION OF CONSUMER AFFAIRS

NEW JERSEY STATE BOARD OF DENTISTRY

40 N.J.R. 2657(a)

Proposed Amendment: *N.J.A.C. 13:30-1A.2*

Proposed New Rule: *N.J.A.C. 13:30-1A.3*

[Click here to view Interested Persons Statement](#)

Scope of Practice of Licensed Dental Hygienist; Administration of Local Anesthesia by Licensed Dental Hygienists

Authorized By: New Jersey State Board of Dentistry, Jonathan Eisenmenger, Executive Director.

Authority: *N.J.S.A. 45:1-15.1* and *45:6-50*.

Proposal Number: PRN 2008-179.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Submit comments by August 1, 2008 to:

Jonathan Eisenmenger, Executive Director
New Jersey State Board of Dentistry
124 Halsey Street
P.O. Box 45005
Newark, New Jersey 07101

The agency proposal follows:

Summary

The New Jersey State Board of Dentistry (the Board) is proposing a new rule that will permit licensed dental hygienists who meet certain educational and training requirements to administer local anesthesia under the direct

supervision of a New Jersey licensed dentist. *N.J.S.A. 45:6-50* of the Dental Auxiliaries Act (*N.J.S.A. 45:6-48* et seq.) authorizes the Board to prescribe expanded functions that may be performed by dental hygienists in the State. Currently, the administration of local anesthesia is recognized as an expanded function for dental hygienists in at least 40 states. The Board is proposing the new rule because it believes that the administration of local anesthesia by appropriately trained dental hygienists will positively impact patients by decreasing patient discomfort during scaling and root planning procedures and will lead to greater efficiency in the delivery of patient care. The hygienist will no longer be required to stop a procedure in order to have a dentist administer local anesthesia to the patient. Although the dentist will still be required to assess the patient and determine which anesthetic agent should be administered, after such assessment, the dentist will be allowed to return to the patient he or she is currently treating, and the hygienist will be permitted to administer the selected anesthetic agent during the course of his or her treatment of the patient. The Board believes that increased patient comfort and more efficient delivery of care will lead to greater patient satisfaction and an overall increase in the quality of patient care provided by licensed dentists and dental hygienists.

Proposed new rule *N.J.A.C. 13:30-1A.3*, which is currently reserved, defines "local anesthesia," in subsection (a), as the elimination of sensation, especially pain, in the oral cavity by the regional injection of an anesthetic agent. Subsection (b) prohibits a licensed dental hygienist from administering local anesthesia unless he or she possesses a local anesthesia permit issued by the Board. A licensed dental hygienist who has been issued a permit to administer local anesthesia may do so only under the direct supervision of a New Jersey licensed dentist, as provided in subsection (c). Subsection (c) also requires that the supervising dentist be responsible for determining which anesthetic agent will be administered by the dental hygienist and limits the types of injections that may be provided by dental hygienists to infiltrations in the maxilla and mandible, mandibular nerve blocks, mental nerve blocks, and long buccal nerve blocks.

Under subsection (d), in order to qualify for a Board permit to administer local anesthesia, a licensed dental hygienist must have passed the Northeast Regional Board of Dental Examiners' written examination in the administration of local anesthesia, and must have completed a Board-approved course in local anesthesia administration offered in a dental hygiene program approved by the Commission on Dental Accreditation, or in an accredited college or university, teaching hospital or other training institution or facility approved by the Board. In order to qualify for Board approval, a course provider must submit a course outline and the curriculum vitae of course instructors to the Board for its review. The course, which must consist of no less than 20 hours of didactic instruction and 12 hours of clinical training, including a minimum of 20 monitored administrations of local anesthesia, must include instruction in anatomy of the head and neck, pharmacology of anesthetic and analgesic agents, patient pre-evaluation, recognition of adverse events, emergency procedures and basic life support, and the selection of appropriate anesthetic agents and techniques.

Under subsection (e), a licensed dental hygienist who holds a local anesthesia permit must complete four hours of continuing education in local anesthesia administration in every other biennial renewal period. The new rule specifies that these four hours are to be obtained consistent with the requirements of *N.J.A.C. 13:30-5.2*, which provides that licensed dental hygienists must complete 20 hours of continuing education per biennial renewal period. The proposed new rule, therefore, does not increase the total number of continuing education hours that dental hygienists must obtain for license renewal.

Subsection (f) makes the administration of local anesthesia by a licensed dental hygienist without a permit a deviation from normal standards of practice required of a licensee. Under subsection (g), a licensed dental hygienist who administers local anesthesia without a permit and without the direct supervision of a licensed dentist will be deemed to be engaging in unauthorized practice and will be subject to penalties. A licensed dentist who permits a dental hygienist to administer local anesthesia without a permit or without direct supervision will also be subject to penalties under subsection (h) of the proposed new rule.

In addition to proposed new rule *N.J.A.C. 13:30-1A.3*, the Board is proposing an amendment to *N.J.A.C. 13:30-1A.2*, which sets forth the scope of practice for licensed dental hygienists. The Board is proposing to amend subsection (b) of *N.J.A.C. 13:30-1A.2* to provide that a licensed dental hygienist may administer local anesthesia if he

or she has satisfied the requirements of proposed new rule *N.J.A.C. 13:30-1A.3*.

The Board has provided a 60-day comment period for this notice of proposal. Therefore, this notice is excepted from the rulemaking calendar requirement pursuant to *N.J.A.C. 1:30-3.3(a)5*.

Social Impact

The Board believes that the proposed new rule will have a positive impact upon dentists, dental hygienists and the patients they serve. The proposed new rule will establish minimum educational and training requirements, and supervision requirements that must be satisfied prior to the administration of local anesthesia by licensed dental hygienists. Such requirements will help to ensure that only those dental hygienists who have been properly trained and who are properly supervised are authorized to provide local anesthesia to patients. The Board believes that allowing appropriately trained and supervised dental hygienists to administer local anesthesia will increase patient comfort during dental hygiene procedures and will lead to greater efficiency in the delivery of patient care because a dental hygienist will no longer be required to stop a procedure in order to have a dentist administer local anesthesia to the patient. The Board believes that the proposed new rule may lead to an increase in the overall quality of patient care provided by licensed dentists and dental hygienists.

Economic Impact

The Board believes that the proposed new rule may have an economic impact upon dental hygienists who choose to administer local anesthesia. These dental hygienists may incur costs associated with completing the educational and training requirements imposed by the new rule, as well as costs associated with applying to the Board for a permit. The Board believes that any economic impact that may be borne by dental hygienists who choose to obtain local anesthesia permits as a result of the proposed new rule will be outweighed by the benefit to patients in ensuring that local anesthesia is administered only by those persons who are appropriately trained and supervised.

The Board notes that dental hygienists who choose to obtain a local anesthesia permit will also have to complete four hours of continuing education in local anesthesia administration in every other biennial renewal period. This requirement will not impose any additional economic costs upon licensed dental hygienists because the new rule does not alter the overall number of continuing education credits dental hygienists are currently required to obtain for biennial license renewal.

Federal Standards Statement

A Federal standards analysis is not required because the proposed amendment and new rule are governed by *N.J.S.A. 45:6-48* et seq., and are not subject to any Federal requirements or standards.

Jobs Impact

The Board does not believe that the proposed amendment and new rule will result in the creation or loss of jobs in the State.

Agriculture Industry Impact

The proposed amendment and new rule will have no impact on the agriculture industry in the State.

Regulatory Flexibility Analysis

Currently, the Board licenses approximately 9,700 dentists and 4,800 dental hygienists. If Board licensees are considered "small businesses" within the meaning of the Regulatory Flexibility Act, *N.J.S.A. 52:14B-16* et seq., then the

following analysis applies.

The proposed amendment and new rule will not impose any reporting or recordkeeping requirements upon Board licensees, but will impose various compliance requirements upon dental hygienists who choose to obtain local anesthesia permits and upon the dentists who chose to supervise their administration of local anesthesia. These requirements are discussed in the Summary above.

No additional professional services will be needed to comply with the proposed amendment and new rule. The costs of compliance with the proposed amendment and new rule are discussed in the Economic Impact statement above. The Board believes that the proposed amendment and new rule should be uniformly applied to all licensed dentists and dental hygienists in order to ensure the health, safety and welfare of the general public in the provision of dental services. Therefore, no differing compliance requirements for any licensed dentists or dental hygienists are provided based upon the size of the business.

Smart Growth Impact

The Board does not believe that the proposed amendment and new rule will have any impact upon the achievement of smart growth or upon the implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

13:30-1A.2 Scope of practice of licensed dental hygienist

(a) (No change.)

(b) A licensed dental hygienist practicing under the direct supervision of a licensed dentist may:

1.-34. (No change.)

35. Apply hot or cold packs pursuant to the direction of a licensed dentist; [and]

36. Assist a licensed dentist in the administration of nitrous oxide, provided the licensed dentist is physically present in the operatory at all times during the procedure[.]; **and**

37. Administer local anesthesia provided he or she satisfies the requirements set forth in *N.J.A.C. 13:30-1A.3*.

13:30-1A.3 [(Reserved)] **Administration of local anesthesia by licensed dental hygienists**

(a) A licensed dental hygienist may administer local anesthesia if the minimum standards of training and procedure set forth in this section are followed. For purposes of this section "local anesthesia" is defined as the elimination of sensation, especially pain, in the oral cavity by the regional injection of an anesthetic agent.

(b) No licensed dental hygienist shall administer local anesthesia unless he or she possesses a local anesthesia permit issued by the Board of Dentistry.

(c) A licensed dental hygienist who has been issued a permit to administer local anesthesia may do so only under the direct supervision of a New Jersey licensed dentist who shall determine which anesthetic agent shall be administered by the hygienist. The licensed hygienist may utilize only the following types of injections: infiltration in the maxilla and mandible; mandibular nerve block; mental nerve block; and long buccal nerve block.

(d) A licensed dental hygienist applying for a Board permit to administer local anesthesia shall satisfy the following requirements:

1. Completion of a Board-approved course in the administration of local anesthesia offered in a dental hygiene program approved by the Commission on Dental Accreditation, or in an accredited college or university, teaching hospital or other training institution or facility approved pursuant to *N.J.S.A. 45:6-2*.

i. The course outline, content and objectives, and curriculum vitae of course instructors shall be submitted to the Board for review and approval.

ii. The course shall include instruction in: head and neck anatomy; pharmacology of anesthetic and analgesic agents; patient pre-evaluation, including medical and dental history considerations; recognition of adverse events, emergency procedures and basic life support; and selection of appropriate armamentarium, agents and techniques.

iii. The course shall consist of 20 hours of didactic training and 12 hours of clinical training. The clinical training shall include 20 monitored administrations of local anesthesia, with a minimum of five administrations of each of the following injections: infiltrations in the maxilla and mandible, mandibular nerve block, mental nerve block, and long buccal nerve block; and

2. Passage of the written examination in the administration of local anesthesia administered by the Northeast Regional Board of Dental Examiners (NERB).

(e) A licensed dental hygienist who holds a permit to administer local anesthesia under the direct supervision of a licensed dentist shall complete four hours of continuing education in the administration of local anesthesia in every other biennial renewal period, consistent with the requirements of *N.J.A.C. 13:30-5.2*.

(f) The administration of local anesthesia by a licensed dental hygienist without a permit shall constitute a deviation from normal standards of practice required of a licensee.

(g) A licensed dental hygienist who administers local anesthesia without a permit and without direct supervision shall be deemed to be engaging in the unauthorized practice of dental hygiene and shall be subject to the penalties set forth in *N.J.S.A. 45:6-58* and *45:1-25*.

(h) A licensed dentist who permits a licensed dental hygienist to administer local anesthesia without a permit or without direct supervision shall be subject to the penalties set forth in *N.J.S.A. 45:1-25* and shall be deemed to have engaged in willful and gross malpractice or willful and gross neglect in the practice of dentistry pursuant to *N.J.S.A. 45:6-62*.